

### REMARKS

Claims 1, 8, 11-12, 16, 23, and 26-27 have been amended, Claims 5-7, 10, 20-22 and 25 are canceled, and Claims 31-38 have been added. Accordingly, Claims 1-4, 8-9, 11-19, 23-24 and 26-38 are presently pending. Reconsideration is respectfully requested.

### CLAIM OBJECTIONS

The claims have been amended as believed appropriate to remove the informalities noted in the Office Action. In this regard, although the Office Action indicates that Claim 14 is objected to, the Office Action fails to specify the objection. Accordingly, clarification of the objection to Claim 14 is requested.

The foregoing amendments also remove other minor informalities that were noted during Applicant's consideration of the pending claim objections.

### CLAIM REJECTIONS -- 35 U.S.C. §102

Claims 1, 3-4, 8-14, 16, 18-19 and 23-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Terranova (US Patent 6,422,464B1, hereinafter Terranova). Claims 10 and 25 have been canceled.

Claims 1-2, 15-17 and 30 were rejected under 35 U.S.C. §102(e) as being anticipated by McCall (US Patent 6,152, 591A), hereinafter McCall.

These rejections are overcome for the exemplary reasons given below.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as

they are in the claim. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 USPQ 619, 621 (Fed. Cir. 1985)). The reference must show the invention in as complete detail as is contained in the claim. (*MPEP* § 2131.02; *Richardson v. Suzuki Motor Co.*, 868 F.2<sup>nd</sup> 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

It is initially noted that the foregoing amendments of independent Claims 1 and 16 merely remove informalities noted by the pending Office Action and by Applicant. These amendments do not alter the scope of Claims 1 and 16 in any way.

Independent Claims 1 and 16 (and all claims that depend therefrom) are directed to advertising during a commercial transaction. In particular, during a commercial transaction, programming information is presented to a customer on a display at a commercial transaction location. Claims 1 and 16 recite that profile information is transmitted from a central location to the commercial transaction location, where it is used to produce the programming information by filtering update information and advertising information that were previously transmitted to and stored at the commercial transaction location. This exemplary feature of Claims 1 and 16 has not been found to be taught in either Terranova or McCall.

Terranova discloses that a remote host computer can transmit customer preference information to the commercial transaction location. (Column 38, lines 34-39; and Column 39, lines 5-14.) However, in contrast to the above-described exemplary feature of Claims 1 and 16, Terranova uses the preference information to filter update information and advertising information while that information is still stored at a central provider. Only the filtered

information is transmitted to and stored at the commercial transaction location. (Column 39, lines 12-20; Column 37, lines 42-52.)

Regarding Terranova's teaching that the customer's transponder can provide customer preference information to the fueling site controller, this is clearly not a transmission of the customer preference information from a central location to the location of the commercial transaction, but is merely a local transmission from the customer, who is already present at the location of the commercial transaction. (Column 38, lines 54-65.)

Finally, although Terranova discloses that advertising information may be provided from a dedicated auxiliary audio/video source (156 in FIGURE 5 and lines 22-24 of Column 40), this represents only locally-stored advertising information. There is no teaching regarding transmission of this advertising information from a central location. Moreover, there is no teaching that profile information is used to filter both update information and advertising information that were previously transmitted to and stored at the commercial transaction location, as required by Claims 1 and 16.

It is submitted in view of the foregoing that the aforementioned 35 U.S.C. § 102 rejections based on Terranova are overcome. Accordingly, the next Office Action should either point out with particularity where the above-described feature of independent Claims 1 and 16 is taught in Terranova, or withdraw the Terranova rejections.

Turning now to McCall, this reference discloses that historical information about the customer can be stored in the database 32 of FIGURES 1 and 2. (Column 9, lines 60-66; Column 11, lines 9 and 10). This can represent customer preference information, and it is used to determine what information stored in the database will be presented to the customer. (Column 9,

lines 54-66; Column 11, lines 1-13 and Column 4, lines 17-19). So the customer preference information is stored in the same database 32 as is the information from which the customer presentation will be selected in accordance with the preference information. (See also Column 11, lines 34-57, and Column 7, lines 28-30.) McCall also discloses that the database 32 can be local to the site of the commercial transaction, or can be located remotely from the site. (Column 5, lines 44-54) In the situation where the database 32 is local, there is no disclosure of, and no need for, any transmission of the customer preference information from a central location to the commercial transaction location, because the customer preference information is already stored at the same location as the information that it will filter.

In the situation where the database 32 is located remotely from the commercial transaction location, the customer preference information could be transmitted from the remote database 32 to the commercial transaction location (see, e.g., lines 34-42 of Column 11). This customer preference information is used to determine what part of the information stored in the remote database 32 will be presented to the customer. It therefore appears that the customer preference information is used as a filter to determine what part of the programming information stored in the remote database should be transmitted to the commercial transaction location for display. (See Column 11, lines 48-62 and Column 7 lines 28-30.) McCall does not disclose that the stored programming information is first transmitted from the remote database and stored at the commercial transaction location, and is then filtered by the customer preference information at the commercial transaction location.

Finally, McCall also discloses customer preference information in the form of a CUSTOMER flag. The CUSTOMER flag is constructed from information provided by the

customer at the commercial transaction location. For example, the CUSTOMER flag can indicate whether the customer is a novice (having asked for detailed instructions) or an expert (not having asked for detailed instructions), and whether the customer has elected to pay inside or outside. However, inasmuch as this CUSTOMER flag information is provided as a result of direct interaction with the customer, who is located at the commercial transaction location, the CUSTOMER flag information is not transmitted to the commercial transaction location from a central location, as required by independent Claims 1 and 16.

It is submitted in view of the foregoing that the 35 U.S.C. § 102 rejections based on McCall are overcome. Accordingly, the next Office Action should either point out with particularity where the above-described exemplary feature of independent Claims 1 and 16 is taught by McCall, or withdraw the McCall rejections.

#### NEW CLAIMS

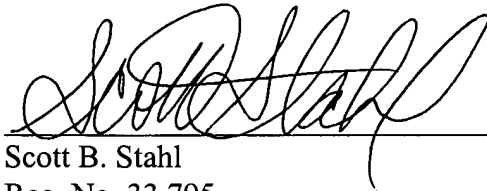
Newly added independent Claim 31 also recites the exemplary feature described above relative to independent Claims 1 and 16. It is therefore submitted that Claims 31-38 are patentable for at least all of the exemplary reasons given above with respect to Claims 1 and 16.

CONCLUSION

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues, the Examiner is invited to telephone the undersigned so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance, and notice to that effect is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott B. Stahl", is written over a horizontal line.

Scott B. Stahl  
Reg. No. 33,795

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Date

P. O. Drawer 800889  
Dallas, TX 75230  
Tel.: 972-628-3600  
Fax : 972-628-3616  
Email [sstahl@davismunck.com](mailto:sstahl@davismunck.com)